

June 4, 2003 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

03AN0268

Charles H. and Hadessa K. F. White

Midlothian Magisterial District  
6521 Sexton Drive

REQUEST: A Special Exception to permit the keeping of three (3) dogs in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Special Exception for the following reasons:

- A. Special Exception may adversely affect the health, safety or welfare of persons residing on the premises or in the area.
- B. Special Exception may impair the character of the district.
- C. Use may reduce or impair the value of buildings or property in surrounding areas.

GENERAL INFORMATION

Location:

Property is located at 6521 Sexton Drive. Tax ID 768-693-6277 (Sheet 11).

Existing Zoning:

R-7

Size:

0.2 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential  
South - R-7; Residential  
East - R-7; Residential  
West - R-7; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation)

Residential  
(2.51 to 4.0 units per acre)

DISCUSSION

The applicants request a Special Exception to permit the keeping of three (3) dogs in a Residential (R-7) District.

The applicants provide the following information in support of this request:

We live in a subdivision. We're trying to keep our family together. Our boys have been together from day one (1). We love our boys as if they were our children. They are father and sons. We believe if they are separated they'll probably grieve themselves to death. If one (1) is taken from us it would be like taking a child from us. Rusty, RJ and Shep are house dogs. They're never outside if no one is home. We try to take care of our dogs with all their shots, licenses. We would like to keep them until they die or we die. We also take them to the vet if they're sick. We love our dogs and I am retiring in April and look forward to being with my boys. We have a five (5) foot chain link fence. Our dogs are not outside the fence unless they are with us on a leash. They bark if they see or hear something. Neighbors haven't complained to us about the boys. We try to clean the poop up and put something down for the odor such as lime.

Staff notes the Planning Department staff visited the site in response to a complaint. Staff's inspection revealed that the applicant was in violation of the Zoning Ordinance by keeping more than two (2) adult dogs (private kennel) in a Residential (R-7) District. This request is in response to staff's investigation.

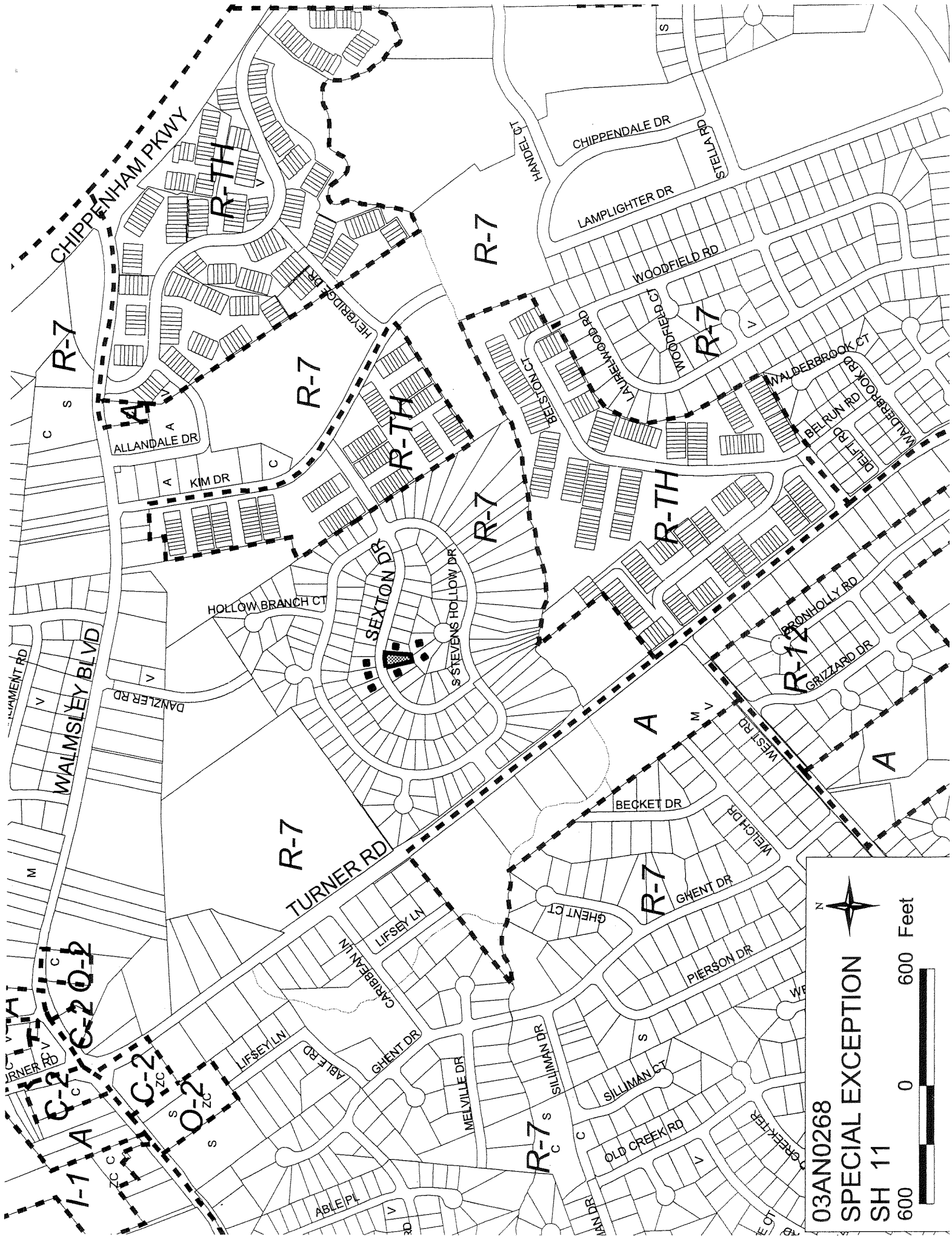
Staff believes that this type of request may have an adverse affect on the character of the area and may adversely affect the welfare of the persons residing or working in the area because the noise produced by three (3) dogs may create a nuisance.

Staff believes that imposing conditions will not mitigate the negative impact that this use may have on this area. Although the yard is adequately maintained and the dogs are confined within a fence in the rear yard, the number of dogs may be a nuisance to adjacent and area properties. Therefore, staff cannot support this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

#### CONDITIONS

1. Special Exception shall be granted to and for Charles H. and Hadessa K. F. White, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be granted for a period not to exceed three (3) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the keeping of these three (3) dogs has not proved a detriment to the adjacent property or the area in general.
3. All dogs shall be confined to the existing dwelling. Whenever the animals are allowed outside the dwelling, they shall be on a leash or within the fence in the rear yard.
4. Should any one (1) of the dogs be sold, given or pass away, it shall not be replaced.
5. The applicants shall not breed or board dogs on this property.
6. The applicant shall provide a history of each dog, such as age, sex, color and size as well as a photo to the Planning Department within thirty (30) days of approval of the Special Exception.



03AN0268  
SPECIAL EXCEPTION  
SH 11

600 0 600 Feet

STREET

